



AF
2700
#13

PATENT

Attorney Docket N° 98-0865 (P1397US00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Kim C. Smith
Serial N° : 09/421,580
Filed : October 20, 1999
Group Art Unit : ~~2173~~ 2174
Examiner : Mylinh T. Tran
For : SIMULATED THREE-DIMENSIONAL NAVIGATIONAL
MENU SYSTEM

RECEIVED

NOV 07 2002

Technology Center 2100

Assistant Commissioner for Patents
Washington, DC 20231

TRANSMITTAL OF APPEAL BRIEF

CERTIFICATE OF MAILING 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on October 28, 2002, in a First Class envelope, with sufficient postage thereon, addressed to: Assistant Commissioner for Patents, US PTO, Washington, D.C. 20231.

Penny L. Flint
Penny L. Flint

DATED: October 28, 2002

Please find enclosed herewith three (3) copies of Appellants' Brief on Appeal. No fees for extension of time are believed to be required for filing the Appeal Brief.

Please charge the fee of \$320.00 for filing an Appeal Brief to Deposit Account N° 50-0439. In the event that the Commissioner determines that any additional fees are required, or that any overpayment has been made, for this or any other Paper in this application, the Commissioner is hereby authorized to charge any such additional fees and to credit any overpayment to Deposit Account N° 50-0439. A duplicate copy of this *Petition* is enclosed for accounting purposes only.

Please direct all correspondence to:



MARK WALKER, ESQ.
GATEWAY, INC.
LAW DEPARTMENT, MS Y04
610 GATEWAY DRIVE
N. SIOUX CITY, SD 57049-2000
(605) 232-1967 TELEPHONE
(605) 232-2612 FACSIMILE

DATED: October 28, 2002.

Respectfully submitted,
Gateway, Inc.,

By Walter J. Malinowski
Walter J. Malinowski
Reg. Nº 43,423